

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #3	CCRB Case #: 201806974	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/22/2018 6:15 AM	Location of Incident: § 87(2)(b)	Precinct: 114	18 Mo. SOL 2/22/2020	EO SOL 2/22/2020	
Date/Time CV Reported Thu, 08/23/2018 1:41 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/23/2018 1:41 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Michael Sinclair	3286	937545	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Pelan	05055	952099	WARRSEC
2. DT3 Peter Rivera	2996	956207	WARRSEC
3. POF Claire Lindner	31239	955067	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Michael Sinclair	Abuse: DT Michael Sinclair entered § 87(2)(b) in Queens.	§ 87(2)(b)
B.DT3 Michael Sinclair	Abuse: DT Michael Sinclair searched § 87(2)(b) in Queens.	§ 87(2)(b)
C.DT3 Michael Sinclair	Abuse: DT Michael Sinclair refused to show the search warrant to § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

### Case Summary

On August 23, 2018, § 87(2)(b) filed this complaint over the phone with the CCRB.

On August 22, 2018, at approximately 6:15 a.m., § 87(2)(b) was in her home located at § 87(2)(b), in Queens, with her two young children. There was a knock at the door, and § 87(2)(b) answered. Outside were six police officers: DT Michael Sinclair, PO Daniel Pelan, PO Clair Lindner and DT Peter Rivera of Warrant Section, and two parole officers. DT Sinclair told § 87(2)(b) that they were there because they had a warrant for the arrest of § 87(2)(b), a former boyfriend of § 87(2)(b) who does not live at the location but stays there frequently. The officers pushed past § 87(2)(b) and entered the apartment and began to search it (Allegations A and B – Abuse of Authority: § 87(2)(g)). The officers searched the apartment but § 87(2)(b) was not there. After the search, the officers left. As they left, § 87(2)(b) asked DT Sinclair to show her a copy of the warrant, and he ignored her and did not show her the warrant (Allegation C – Abuse of Authority: § 87(2)(g)).

There is no video footage of this incident.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: DT Michael Sinclair entered § 87(2)(b), in Queens.**

**Allegation (B) Abuse of Authority: DT Michael Sinclair searched § 87(2)(b), in Queens.**

**Allegation (C) Abuse of Authority: DT Michael Sinclair refused to show the search warrant to § 87(2)(b).**

§ 87(2)(b) (Board Review 01) stated that after she appeared at the door DT Sinclair and the other officers told her that they had a warrant for § 87(2)(b) but would not show it to her. They then pushed past her and entered the apartment without her consent. She later asked DT Sinclair to see a copy of the warrant, but he ignored her. § 87(2)(b) does not live with § 87(2)(b) but stays at her apartment a lot and had stayed there the prior night.

DT Sinclair (Board Review 02) stated that he had a parole warrant (Board Review 03) and a probable cause for arrest I-Card for § 87(2)(b). The parole warrant authorized the entry of § 87(2)(b)'s residence. DT Sinclair said that when § 87(2)(b) was paroled, he had provided § 87(2)(b)'s address as his “parole release address,” which meant he consented to allowing officers to enter the apartment to find him if they wanted to. When DT Sinclair told § 87(2)(b) why they were there, she consented to have them enter and search the apartment, which they did. She also asked to see the warrant, and DT Sinclair showed it to her and discussed it with her when the search was completed.

DT Rivera (Board Review 04) and PO Lindner (Board Review 05), gave testimony consistent with DT Sinclair's. PO Pelan (Board Review 06) could not recall whether § 87(2)(b) provided consent for the entry, or whether she asked to see a copy of the warrant.

The undersigned investigator spoke with Chief of Parole Bureau Edward Del Rio, who provided a print out of the parole warrant that was issued for § 87(2)(b) (Board Review 03). It was issued on § 87(2)(b), and specifies the incident location as § 87(2)(b) parole release address and states that § 87(2)(b) was delinquent with his parole supervision. Chief Del Rio corroborated DT Sinclair's testimony about the nature and scope of parole warrants, and the meaning of “parole release address.” The investigation obtained the I-Card issued for § 87(2)(b).

and it states that the officers had probable cause to arrest § 87(2)(b) § 87(2)(b) for burglary (Board Review 14).

In United states v. Newton, the Court affirmed that a parole warrant itself justifies the entry of a residence for the purpose of arresting a parolee who has violated his parole (United States v. Newton, 369 F.3d 659 [2004])(Board Review 07). Under the provision of Patrol Guide Procedure 221-17, officers are required to show warrants upon request (Board Review 12).

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint involving § 87(2)(b) (Board Review 08).
- DT Sinclair has been a member of service for fourteen years, and has been a subject of nine allegations of misconduct across six cases, none of which were substantiated. § 87(2)(g)

#### **Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- A request for any Notice of Claim related to this incident was sent to the New York City Office of the Comptroller on January 25, 2019. There has been no response as of the date of this report (Board Review 11).

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date